

REMARKS

In accordance with the foregoing, claims 1, 3, and 11 have been amended, claim 10 has been canceled and new claim 13, based on claim 1, has been added.

Minor amendments to the specification are also presented.

No new matter is introduced in the foregoing and, accordingly, approval and entry of the specification amendments and the amended and new claims are respectfully requested.

STATUS OF CLAIMS

In accordance with the Action, claims 2, 4-9 and 12 are allowed whereas claims 1, 3, 10 and 11 are rejected.

As noted above, claim 10 has been canceled and new claim 13 has been added.

ITEM 2: REJECTION OF CLAIM 10 UNDER 35 USC § 102(e) BY HIRAKAWA ET AL.

This rejection is moot in view of the above cancellation of claim 10 and, accordingly, withdrawal of the rejection is requested.

ITEM 5: REJECTION OF CLAIMS 1, 3, AND 11 UNDER 35 USC § 103(a) OVER SHINO ET AL. (USP 6,320,326) IN VIEW OF UEOKA ET AL. (USP 6,432,873)

The rejection is respectfully traversed.

Shino (USP 6,320,326) fails to describe that first display electrodes and second display electrodes form surface discharge gaps between every two neighboring rows and that the relative positional relationship between the first and the second display electrodes in the row arrangement direction is opposite, as set forth in the independent, rejected claims 1, 3, and 11 and hence these claims patentably distinguish over Shino.

In Figs. 14 and 15 of Shino, a positional relationship between first display electrodes and second display electrodes forming surface discharge gaps in the row arrangement direction is common to all rows. Stated differently, scan electrodes SCN and sustain electrodes SUS are arranged in the order of (SCN-SUS), (SCN-SUS), (SCN-SUS) With respect to narrow electrode gaps and wide electrode gaps that are arranged alternately, as clearly shown in Fig.

15 of Shino, the wide electrode gaps are not surface discharge gaps and do not correspond to rows (see col. 10, lines 9-14). In short, Shino merely discloses a technique that is premised on a constitution where a pair of electrodes is arranged for each row.

By contrast to Shino, and as shown in Figs. 1, 16, and 17 of the present application, and set forth in the pending claims, display electrodes X and display electrodes Y are arranged in the order of X-Y in odd rows, and are arranged in the order of Y-X in even rows. Moreover, as shown in Fig. 11, the present invention employs complementary pairs of both first (X) and second (Y) display electrodes wherein by the positional relationship therebetween, currents flow during a display discharge flows in opposite directions as between the pair of discharge electrodes X_j , Y_j , and X_{j+1} , Y_{j+1} which affords the benefit of canceling magnetic fields generated by the current flow, due to the opposite directions thereof. (See paragraph spanning pages 19 and 20)

The Action, moreover, concedes that Shino does not disclose that the terminals for supplying electricity to the first and second display electrodes are divided into opposite sides of the display screen and, indeed, discloses the opposite pair whereas the Action cites Ueoka as teaching that the scanning driver and sustain driver are divided in both sides of the display screen is respectfully submitted to be deficient and unrelated to the teaching of the present invention. Moreover, the proposal that it merely would have been obvious to one of ordinary skill to modify Shino with the feature of dividing drivers as taught by Ueoka "because one driver on each side of the display can balance the display" does not rise to the requisite standards of *prima facie* obviousness to support the combining of the two references.

In fact, the proposed combination of ...Shino... and ...Ueoka... is advanced in reliance on "basic knowledge" or "common sense" which the Federal Circuit has rejected as affording "no evidentiary support", *In re Zurko*, 258 F3d 1379, 59 USPQ2d 1693 (Fed. Cir. 2001), and which has been rigorously endorsed by the PTO in accordance with the Memorandum of Stephen G. Kunin of February 21, 2002: "Procedures For Relying On Facts Which Are Not Of Record As Common Knowledge Or For Taking Official Action." (Hereinafter, "Kunin Memorandum") The "lack of substantial evidence" (see Kunin Memorandum, page 1) is evident in the above statements at page 2-5 of the Action, listed above.

Clearly, the Examiner is merely advancing unsupported contentions based on presumably "common sense" and without evidentiary support to propose the combinations relied upon and the Kunin Memorandum unqualifiedly rejects same as inadequate.

CONCLUSION

Accordingly, it is respectfully submitted that the pending claims patentably distinguish over the references of record, taken in any proper combination and that, there being no other objections or rejections, that the application is in condition for allowance, which action is earnestly solicited.


If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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